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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,537	01/04/2002	Dietrich W. Schultz	109476-080UTL	9387
27189	7590	04/16/2009		
PROCOPIO, CORY, HARGREAVES & SAVITCH LLP 530 B STREET SUITE 2100 SAN DIEGO, CA 92101			EXAMINER VAUGHN, GREGORY J	
			ART UNIT 2178	PAPER NUMBER
			NOTIFICATION DATE 04/16/2009	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/039,537

Applicant(s)

SCHULTZ ET AL.

Examiner

GREGORY J. VAUGHN

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Application Background

1. This action is responsive to the Request for Continued Examination filed on 2/2/2009.
2. Applicant has amended claim 29. Claims 1-16 were previously canceled.
3. Claims 17-37 are pending in the case, claims 17, 29 and 32 are independent claims.
4. A request for continued examination filed under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after a final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office Action (dated 7/31/2008) has been withdrawn pursuant to 37 CFR 1.114.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

"The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention."

6. Claims 32-37 remain rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.
7. **Regarding independent claim 32**, the amendment filed 4/7/2008 adds claim 32 as a new claim, including the following limitations: *"removing said first content from said first document; generating a second document, wherein the second document includes said first content ... determining a second URL corresponding to the second document"* (second, third and fifth limitations). The examiner has reviewed the originally filed specification, and has failed to find support for the added limitations. Applicant is required to cancel the new matter in response to this office action.
8. **Regarding dependent claims 33-37**, the claims are rejected for fully incorporating the deficiencies of their base claim.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

"(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made."

10. Claims 17-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bernardo et al. US Patent 6,684,369, filed 6/19/1998, patented 1/27/2004 (hereinafter Bernardo) in view of Ackermann Jr. et al., US Patent 6,606,653, filed 10/17/1999, patented 8/12/2003 (hereinafter Ackermann) and in further view of Smith et al., US Patent 6,578,078, filed 4/2/1999, patented 6/10/2003.
11. **Regarding independent claim 17**, Bernardo discloses a computer-implemented method of generating a document. Bernardo recites: *"One embodiment of the invention provides a tool, system and method for creating Web sites"* (column 5, lines 29-30), where Bernardo defines "web sites" as: *"For example, FIG. 5 depicts the feature of Web site areas. As shown in FIG. 5, the site area options may include a list of predefined site areas such as Company Forms Area, Contact Management Area, Customer Tracking Area, Discussion Area, Document Library Area"* (column 7, lines 26-30).

Bernardo discloses a first user interface configured to specify a document template. Bernardo recites: *"A conventional editor may be used to edit HTML objects within the system. A conventional technique (e.g., a computer gateway interface (CGI)) may be used to store the edited HTML objects in the HTML database"* (column 6, lines 10-14).

Bernardo discloses in Figure 3, a second user interface (see reference sign 4, shown as *"Identify Interface"*), which is configured to specify a document content file (see reference sign 16, shown as *"Enter Data"*). Bernardo discloses the functionality of the second user interface as being determined by a user other than the second user. Bernardo recites: *"Another object of the invention is to provide a tool for creating a Web site where the tool comprises a library of stored templates (including fields) associated with different options/features for a Web site, the tool prompts a user of the tool to select desired options/features from a list of possible options/features. Based upon the option/features selected, the tool determines which of the stored templates (and fields) are to be used and the user is prompted to supply data to populate those fields"* (column 2, lines 49-57).

Bernardo discloses in Figure 3, combining the template and the content file to generate and publish the document at reference sign 20 (shown as *"Populate Profile Fields with Data"*) and reference sign 22 (shown as *"Create Pages"*) and reference sign 24 (shown as *"Publish"*).

Bernardo discloses modifying the elements of the published document. Bernardo recites: *"enabling a web site creator using the tool to access and modify the*

modifiable profile documents, wherein modification to a particular one of the modifiable profile documents updates every occurrence of the HTML objects and non-HTML objects presented on the Web site that correspond to the particular one of the modifiable profile documents" (claim 1) where Bernardo describes the profile document as: *"The templates comprise databases which may include fields, forms, views, text, formulas and profiles that enable customization of the features. A profile may comprise fields, some of which may be designated as required fields. For example, one feature of a Web site may be a list of site areas"* (column 6, lines 37-42). However Bernardo fails to disclose identifying a current URL in the document, identifying a new URL corresponding to the current URL in the document, modifying the document based on the new URL and publishing the document to a new location. Ackermann teaches updating links in web pages. Ackermann discloses identifying a current URL in the document in Figure 4 at reference sign 72 (shown as *"Link is Selected"*). Ackermann discloses identifying a new URL corresponding to the current URL in Figure 4 at reference sign 77 (shown as *"Target page at new location sends it's new URL and HTML upgrade of link with new URL to source web page"*). Ackermann discloses modifying and publishing the document based on the new URL to generate a modified document in Figure 4 at reference sign 79 (shown as *"Upgrade source web page and embedded link"*).

Therefore, it would have been obvious, for one of ordinary skill in the art, at the time the invention was made, to combine the web site creating features of Bernardo with updating links, as taught by Ackermann, in order to *"provide a structured way to*

update the URLs pointed to by embedded links in source Web pages when the target pages of such links have moved and have new URLs" (column 1, lines 58-61).

Bernardo and Ackerman disclose generating a document from a template and content, publishing the document, and updating the document links when content connected by a link is moved. Bernardo and Ackerman fail to explicitly describe the links as "*relative*" links. Smith is directed toward preserving the referential integrity within web site (see title). Smith teaches management of web site references. Smith recites: "*The integrity of uniform resource locator (URL) references within web sites are maintained when changes occur in the locations where resources referenced by URLs are stored*" (abstract). Smith teaches URLs can be either absolute or relative references. Smith recites: "*There are generally two types of URLs that may be used in the hypertext link: absolute URLs and relative URLs. An absolute URL includes a protocol identifier, a machine name, and an optional HTTP port number. A relative URL does not include a protocol identifier, machine name or port, and must be interpreted relative to some known absolute URL called the base URL. The base URL is used to determine the protocol identifier, machine name, optional port, and base directory for a relative URL*" (column 4, lines 39-47).

Therefore, it would have been obvious, to one of ordinary skill in the art, at the time the invention was made to combine the creating, publishing and modifying of web page, as taught by Bernardo and Ackerman with smith's teachings on relative URLs to provide: "*a method for dealing with broken hyperlinks to the resources that have been moved*" (Smith, column 7, lines 61-64).

12. **Regarding dependent claim 18**, Bernardo discloses the first user interface configured to specify functionality of the second user interface. Bernardo recites: *"Another object of the invention is to provide a tool for creating a Web site where the tool comprises a library of stored templates (including fields) associated with different options/features for a Web site, the tool prompts a user of the tool to select desired options/features from a list of possible options/features. Based upon the option/features selected, the tool determines which of the stored templates (and fields) are to be used and the user is prompted to supply data to populate those fields"* (column 2, lines 49-57).
13. **Regarding dependent claim 19**, Bernardo discloses a second user interface as described above. Bernardo also discloses the template defines the functionality available through the second user interface. Bernardo recites: *"The tool further comprises a library of templates (e.g., text, fields, HTML code and formulas) that correspond to the available features and options"* (column 6, lines 34-37).
14. **Regarding dependent claim 20**, Bernardo discloses a template that defines an editable section in Figure 13, shown as an *"approval message"* text entry area on the template shown in the figure.
15. **Regarding dependent claim 21**, Bernardo discloses content received from a user. Bernardo recites: *"Another object of the invention is to provide a tool for creating a Web site where the tool comprises a library of stored templates (including fields) associated with different options/features for a Web site, the tool prompts a*

user of the tool to select desired options/features from a list of possible options/features. Based upon the option/features selected, the tool determines which of the stored templates (and fields) are to be used and the user is prompted to supply data to populate those fields" (column 2, lines 49-57).

16. **Regarding dependent claim 22**, Bernardo discloses a second user interface configured to allow a user to specify a content file related to a first document template. Bernardo discloses in Figure 3, a second user interface (see reference sign 4, shown as *"Identify Interface"*), which is used to generate document content (see reference sign 16, shown as *"Enter Data"*). Bernardo discloses the functionality of the second user interface as being determined by a user other than the second user. Bernardo recites: *"Another object of the invention is to provide a tool for creating a Web site where the tool comprises a library of stored templates (including fields) associated with different options/features for a Web site, the tool prompts a user of the tool to select desired options/features from a list of possible options/features. Based upon the option/features selected, the tool determines which of the stored templates (and fields) are to be used and the user is prompted to supply data to populate those fields"* (column 2, lines 49-57).

17. **Regarding dependent claims 23-28**, Bernardo discloses different types of publishing (claim 23), where the publish type is page preview (claim 24), a local publish (claim 25) an external publish (claim 26) a local stage (claim 27) and an external stage (claim 28) Bernardo discloses a preview. Bernardo recites: *"Once*

selections have been made, the user can preview the design and then make changes as desired" (column 8, lines 60-62). Bernardo discloses a local and an external publish. Bernardo recites: *"After the desired changes have been made, select Yes to Republish the Page, then click Submit. According to another aspect of the invention, when a user edits and republishes a page, the page may become public immediately"* (column 23, lines 13-16). Bernardo discloses the publish type as a local publish and stage. Bernardo recites: *"the content creator may be presented with context sensitive help pages"* (column 13, lines 21-22).

18. **Regarding independent claim 29**, the claim is substantially the same as claim 17, and is rejected using the same rationale.
19. **Regarding dependent claim 30**, Bernardo and Ackermann disclose modifying and publishing a plurality of documents with new location URLs, as described above.
20. **Regarding dependent claim 31**, as described above Bernardo and Ackermann disclose determining whether the document needs to be modified based on a context of the URL in Figure 4 of Ackermann at reference sign 73 (shown as *"Target web page moved?"*)
21. **Regarding independent claim 32**, the claim is directed toward a computer implemented method for the method of claim 1, and is rejected using the same rationale. Bernardo, Ackerman and Smith disclose generating a web page with a same page link URL, described above as a relative URL. Bernardo discloses a web site with multiple documents containing content that are linked together. Bernardo

recites: "A Web site typically includes a collection of web pages in HTML format. Each page includes content, such as text, graphics, or other multimedia material. The page may also include links and buttons (e.g., "Submit"). Creating a web site typically requires generating a plurality of pages using HTML. Adding content to a web site once created or modifying the web site also involves using HTML" (column 1, lines 32-38).

22. **Regarding dependent claims 33-37**, Smith discloses relative URLs, as described above (see also column 3, line 49, to column 5, line 7). Smith discloses the syntax of a URL is "*scheme://host:port/path?search*" and defines this attributes in column 4, lines 1-24. Smith discloses a site relative URL. Smith recites: "*An HTML document may have a base element defining an absolute URL that specifies the base URL for that document. If the document has no base element, then the absolute URL of the document is used as the base URL. The base element provides a base address for interpreting relative URLs when the document is read out of context*" (column 4, lines 58-64). The path element of the URL syntax indicates the document or page relative aspect; the host element of the URL syntax indicates the system relative aspect; and the scheme element of the URL syntax indicates the relative template.

Response to Arguments

23. Applicant's arguments filed 2/2/2009 have been fully considered but they are not persuasive.
24. Regarding the rejection of claims 32-37, rejected under 35 USC 112, applicant argues that the claim subject matter is not new matter and indicates support in the originally filed specification (page 6, last paragraph to page 7, first paragraph, of the response filed 2/2/2009). Paragraphs 109 and 110 have been reviewed by the examiner; however these paragraphs fail to support the claim limitations. Specifically, claim 32 calls for (at least): removing content from a first document, generating a second document with the content, and determining a URL for the second document. Applicant indicates paragraph 110 supports removing content from a first document and placing the content in a second document, and that paragraph 109 supports determining a second URL that is different. Paragraph 110 describes Figure 4(e), and is directed toward how a user would enter content to create a content file for a web page. Paragraph 110 ends with the statement "*The user can also delete or edit the content on this screen, and save the revised content*". However this statement, or anything in paragraph 110, fails to supports the limitations of removing content from one document and generating a second document with the content. The specification cannot support determining a URL for a second document with content taken from a first document, since the specification fails to disclose creating a second document with content taken from a first document.

Also, regarding applicant's argument for the rejection of claims 32-37, rejected under 35 USC 112, applicant argues that: "*paragraph 109 discusses determining a second URL that is different*" (top of page 7, of the response filed 2/2/2009). In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "*a second URL that is different*") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993)

25. **Regarding the independent claims**, applicant argues: "*the cited references fail to disclose modifying a URL in the source document when the location of the source document changes*" (page 7, third paragraph, of the response filed 2/2/2009). Applicant is directed to the rejection of claim 17, as stated above. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "*the location of the source document changes*") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The examiner would note that the invention appears to be directed toward managing the URLs of a document when publishing the document to multiple locations. The claims fail to mention either a "*source document*" or "*changing the location of a source document*".

26. **Also regarding the impendent claims**, applicant argues: "*Ackerman and Smith are directed toward solutions to the problem of updating URLs in a source document when the location of the target document changes*" (page 7, last paragraph of the response filed 2/2/2009). While this generalization about the secondary references is not wrong, the examiner has used these secondary references to teach managing the URLs of a document in a publishing process. Ackerman teaches modifying a document based on a new URL, and publishing the modified document, as described above. Smith teaches that URLs can be either absolute or relative, and that a relative URL can only locate a resource within the same document, as described above.
27. Regarding the rejection to claim 17, applicant argues that: "*Ackerman and Smith fail to disclose is any solution to the problem of updating a URL in a source document when the location of the source document changes*" (page 8, second paragraph of the response filed 2/2/2009). Applicant is directed to the rejection of claim 17, as stated above. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "*updating a URL in a source document*" and "*the location of the source document changes*") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Applicant also argues: "*The relative URL points to a target document*" (page 8, second paragraph of the response filed 2/2/2009). . In

response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "*The relative URL points to a target document*") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

28. The balance of applicant's arguments is directed toward arguing "*source document*" and "*target document*" aspects of the invention. AS noted above these features are not recited in the claims.

Conclusion

29. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Vaughn whose telephone number is (571) 272-4131. The examiner can normally be reached Monday to Friday from 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen S. Hong can be reached at (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Stephen S. Hong/
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April 9, 2009